TITLE 1

CONSTITUTION OF THE NATIVE VILLAGE OF HOOPER BAY

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CONSTITUTION
OF THE
NATIVE VILLAGE OF HOOPER BAY

PREAMBLE

We, the people of Hooper Bay, Alaska, grateful to God, and to our forefathers who lived in Hooper Bay, in order to secure and transmit to our succeeding generations, our heritage and land, do ordain and establish this Constitution for the Native Village of Hooper Bay. Alaska, do ordain by authorization of the Indian Reorganization Act of June 18, 1934, in (48 - stat. 984) as amended by the Act of June 15, 1935 (49 - stat. 378) May 1, 1936 (49 - stat. 12-50).

ARTICLE I

ORGANIZATION

SECTION 1 The name of this organization shall be: 'The Native Village of Hooper Bay'

ARTICLE II

TERRITORIAL JURISDICTION

SECTION 1 Territorial Jurisdiction: The Native Village of Hooper Bay territorial jurisdiction shall extend to all lands constituting the Native Community of Hooper Bay as defined by Federal Law.

ARTICLE III

MEMBERSHIP

SECTION 1 Membership: The membership of The Native Village of Hooper Bay shall consist of all persons who are enrolled as members of The Native Village of Hooper Bay, and:

(A) Whose name(s) appear on the official tribal roll conducted in December 18, 1971, Alaska Native Claims Settlement Act, and their children, and;

(B) Who possess one-quarter or more degree Native Blood quantum, have filed an application for enrollment with the Native Village of Hooper Bay, and have been accepted by the Tribal governing body;

SECTION 2 Disenrollment: Anyone who has joined another Tribe, or has left the village with no Intention of returning may be disenrolled. The Native Tribal Board or Tribal Court by its

Majority vote may expel a member or a new non member of a reasonable cause;

SECTION 3 Appeal procedures: A member may appeal his disenrollment to the Secretary of Interior after all avenues have been expended at the local level.

ARTICLE IV

CONSTITUTIONAL RIGHTS

SECTION 1 Native Village of Hooper Bay in exercising powers of self governance, shall not:

(A) Make or enforce any law prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press, or the right of the peaceable assembly of the people and to petition for a redress of grievances;

(B) Violate the right of the people to be secure in their person, houses, papers, and effects against unreasonable search and seizures, or issue warrants, on/or probable cause, supported by oath or affirmation, and the person(s) thing(s) to be seized;

(C) Subject any person in any for the same offense to twice put in jeopardy;

(D) Compel any person in a criminal case to be a witness against himself;

(E) Take any private property for a public use without just compensation;

(F) Deny to any person in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witness against him, to have compulsory process for obtaining witnesses in his favor, and at his own expense to have the assistance of counsel for his defense;

(G) Require excessive bail, impose fines excessively inflict cruel and unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater then imprisonment for a term of six months of a fine of $500.00 or both;

(H) Deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without due process of law;

(I) Pass any bill or attainer or ex post facto law;

(J) Deny to any person accused of any offense punishable by imprisonment the right, upon request to a trial by jury, not less than six persons;

ARTICLE V

BRANCHES OF GOVERNMENT

SECTION 1 Tribal Chief: The Tribal Chief is a council member and shall vote on all matter of business except in conflict of interest matters.

SECTION 2 Tribal Chiefs Term of Office: The Tribal Chiefs term of office shall be for one year. The Tribal Chief may be re-elected to the office of the presidency annually at the organizational meeting.

SECTION 3 Tribal Chiefs Pay and Per Diem: The Tribal Chiefs pay and per diem shall be as same as other elected council members.

SECTION 4 Tribal Chiefs Call of Meeting: The Tribal Chief may call a meeting at any reasonable time, when he/she if required to do so.

SECTION 5 Tribal Chiefs Duties: The Tribal Chief of the council shall preside over all Meetings of the council, and of the community, when requested. He may assume any other duty delegated to him by the governing body. The Tribal Chief is charged with general responsibilities for the administration of the community. The Tribal Chief shall sign all documents on behalf of the Native Village of Hooper Bay with the concurrence of the co-signed by the Secretary-Treasurer of the council.

SECTION 6 Vacancy Tribal Chiefs Office: In case of vacancy the council shall fill the vacancy council member elected shall serve until successor has been elected and have qualified.

SECTION 7 Vice Tribal Chief: The duties of the Vice Tribal Chief shall be as same as those in the absence of the Tribal Chief.

SECTION 8 Secretary/Treasurer: The Secretary/Treasurer shall act as a chairman in the event the Tribal Chief and Vice Tribal Chief are out of the village or are incapacitated by illness. The Secretary/Treasurer shall conduct record of all business transaction of the Village of Hooper Bay. He or She shall record all rules and regulations and ordinances in the appropriate books for the information and receipt for, preserve and safeguard all funds unless authorized by the Governing body. He or She will be responsible for certifying official actions and documents of the governing body. The Secretary/Treasurer may be required at the request of the council. The cost of the bond shall be assumed by the council.

SECTION 9 Council Members: The Native Village of Hooper Bay shall have seven council members. The council member's term shall be voted in at-large. The council member shall be:

(A) 18 years of age and shall not have been convicted of a crime of moral turpitude in the past ten years;

(B) Meet 2nd Tuesday of each month;

(C) Quorum of four affirmative votes shall be required before any contract,

ordinance, resolution or any other business is adopted by the council;

(D) Roll call shall be required on all official business requiring votes by the council;

(E) All executive appointments made by the Tribal Chief shall be concurred by the council;

(F) Any council member may be employed by the council other than his or her official duties the member working for the council may not vote on matters directly or indirectly related to employment. The council member's serves at the pleasure of the council;

(G) The meetings of the council shall be conducted in public. A reasonable time shall be allocated to the public for their input and advice before any action is taken or adopted in executive sessions;

(H) Executive sessions may be called by the council at any meeting. No official action shall be taken or adopted in executive sessions;

(I) All official action shall be in public meeting;

(J) If a vacancy occurs in the council, the council by the vote of its majority members shall designate a voter to fill the vacancy until the next general election, or until the successor has been elected and is qualified. The remaining term if the vacancy shall be declared vacant and shall be advertised before the next general election;

SECTION 10 Tribal Court: The Tribal Court shall consist of one Chief Judge and Associated judges and staff as are deemed necessary by the Tribal Council. The Tribal Court is empowered to exercise all judicial authority of the Tribal Government. Said authority shall include but is not limited to the power to review and overturn tribal legislative and executive actions for violations of this Constitution or of Federal Indian Civil Rights Act of 1968 as well as to perform all other judicial and court functions. The Tribal Council shall set forth qualifications for Tribal Court Chief Judges, Associate Judges and staff positions by ordinance, and shall appoint persons to fill said positions for a term of not less than four years for Chief Judge, not less than two years for Associated Judges. During the tenure of his or her appointment, the Chief Judge or an associated Judge may be suspended or dismissed only for cause by the Tribal Council upon due notice and an opportunity for a hearing open to tribal members.

ARTICLE VI

REGULAR AND SPECIAL ELECTIONS

SECTION 1 Regular Elections: The date or Regular Elections shall be the second Tuesday of October each year, to elect officers. Questions requiring the vote of Native Village of Hooper Bay may appear on the voters at large. Thirty day election notice shall be posted at three public places.

SECTION 2 Special Election: Special Election may be called on twenty day notice on matter requiring voter's approval.

SECTION 3 Election Board: The Election Board of three shall be appointed to conduct elections, by the council. Their pay shall be as same as State election judges. All election judges shall take oath of office on the date of election. Oath of office shall be administered by the Tribal Council Chief. The election board shall be responsible for certifying all elections.

SECTION 4 Illiterate Voters: Election board members shall help non-English speaking voters upon request. The election board member shall not divulge the nature of the voters vote, nor influence the voter in the process of helping him or her.

SECTION 5 Absentee Voting: Absentee Voting shall be allowed to the voter who believe they may be cut of the Village of Hooper Bay on the date of the election.

SECTION 6 Candidates Elected: Candidates receiving the greatest number of votes shall be deemed as voted into office.

SECTION 7 Tie Votes: In the event of a tie vote, the candidates may petition for a special election which shall occur two weeks from the date of regular election, or, immediate straw vote if both candidates agree to do.

SECTION 8 Assuming Office: All candidates voted into office of council shall take office on the first Tuesday of November of each year.

SECTION 9 Organizational Meeting: At the organizational meeting, the Tribal Chief and all other officers shall be voted in by the incoming members. Any remaining council members term of office shall not be altered while the incumbent council member is in office. A secret vote shall be utilized in the organizational meeting to decide the outcome of meeting results.

SECTION 10 Oath of Office: The outgoing Tribal Chief shall swear in the incoming council members.

SECTION 11 Vacancies: Council seat is vacated under the following conditions and upon the declaration of vacancy by the council. The council shall declare an elective office vacant when the person elected:

(A) Fails to qualify or to take office within thirty days after his or her election, or appointment;

(B) Is physically absent from the Native Village of Hooper Bay for ninety day period, unless excused by the council;

(C) Resigns, and his or her resignation is accepted by the council;

(D) Is physically or mentally unable to perform the duties of his or her office;

(E) Is removed from office;

(F) Misses three consecutive regular meetings unless excused by the council;

(G) Is convicted of a felony or his/her oath of office; and

(H) By death;

SECTION 12 Salary of Council Members: The council members may receive salary for duties performed in office. Per Diem for salary shall be set by resolution for all members. (Interoperations)

SECTION 13 Election Hours: Election hours shall be from 8:00 a.m. to 8:00 p.m. on Election Day.

ARTICLE VII

CHANGES IN THE CONSTITUTION

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CHANGES IN THE CONSTITUTION

SECTION 1 Changes in the Constitution: Changes in the constitution may be made by the Native Village of Hooper Bay and if approved by the Secretary of Interior shall be in force when agreed to be by a majority vote of those members voting in an election called by the Secretary of the Interior, provided, that at least (30%) percent of the voting membership votes. The constitution itself shall continue in force for all time, unless taken away by act of Congress.

SECTION 2 Adoption of Constitution: The Constitution shall be in force when it is agreed to by a majority vote of those members voting in an election-called by the Secretary of the Interior, providing that at least thirty (30%) percent of the voting membership votes and provided, that the Village has agreed to a constitution approved by the Secretary of the Interior.

ARTICLE VIII

INDIAN CHILD WELFARE ACT

SECTION 1 The Native Village of Hooper Bay shall assume the responsibilities of Indian Child Welfare Act pursuant to P.L. 96-608, Indian Child Welfare Act. The Native Village of Hooper Bay shall exercise this authority until the act is abolished or terminated by the Federal Government.

ARTICLE IX

INITIATIVE AND REFERENDUM

SECTION 1 The power of initiative and referendum are reserved to the voters of the Native Village of Hooper Bay, except the powers do not extend to matters restricted by the United States Government Constitution and Alaska State Constitution.

SECTION 2 A petition for an initiative or referendum is first filed with the Secretary/Treasurer and in initiative petition must be filled not less than 30 days before the next regular election.

SECTION 3 A petition for initiative or referendum shall:

(A) Embrace only a single subject;

(B) Total ordinance or resolution sought by the petition;

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